## REMARKS

The Examiner has indicated in item 1 of the Office Action (see page 2) that the Information Disclosure Statement ("IDS") filed May 12, 2003 was not considered because the references were not provided. Accordingly, Applicants submit herewith a Replacement Information Disclosure Statement accompanied by the required references for the Examiner's consideration.

## ELECTION/RESTRICTIONS

The Examiner has required a restriction to one of the following inventions under 35 U.S.C. § 121:

I. Claims 18, 31, 33, 35, 41, 43, 45, 48, 50-75, and 76-89 drawn to a method of inducing an immune response in a subject in need thereof comprising administering to the subject, a composition comprising a conjugate peptide, wherein the conjugate peptide comprises (i) a first portion which binds to a heat shock protein under physiologic conditions, and (ii) a second portion which comprises an antigenic peptide of a neoplasia, wherein a heat shock protein is not concurrently administered with the conjugate peptide, whereby an immune response to said second portion is induced in said subject, said immune response being to an antigen of said neoplasia, classified in class 424, subclass 185.1, for example.

II. Claims 18, 31, 33, 35, 41, 43, 45, 48, 50-75, and 76-89 drawn to a method of inducing an immune response in a subject in need thereof comprising administering to the subject, a composition comprising a conjugate peptide, wherein the conjugate peptide comprises (i) a first portion which binds to a heat shock protein under physiologic conditions, and (ii) a second portion which comprises an antigenic peptide of a pathogen, wherein a heat shock protein is not concurrently administered with the conjugate peptide, whereby an immune response to said second portion is induced in said subject, said immune response being to an antigen of said pathogen, classified in class 424, subclass 185.1, for example.

III. Claims 28, 36-40, 42, 44, 46, 47, 49, 72-75, 86, 87, and 90-99, drawn to method of inducing an immune response in a subject in need thereof, comprising administering, to the subject a composition comprising a conjugate peptide, wherein the conjugate peptide comprises (i) a benzoquinone ansamycin antibiotic,

and (ii) an antigenic peptide, whereby an immune response to said antigenic peptide is induced in said subject, classified in class 424, subclass 1.65, for example.

In response, Applicants hereby provisionally elect, with traverse, Group II, claims 18, 31, 33, 35, 41, 43, 45, 48, 50-75, 77, and 79-89, drawn to a method of inducing an immune response in a subject in need thereof comprising administering to the subject, a composition comprising a conjugate peptide, wherein the conjugate peptide comprises (i) a first portion which binds to a heat shock protein under physiologic conditions, and (ii) a second portion which comprises an antigenic peptide of a pathogen, wherein a heat shock protein is not concurrently administered with the conjugate peptide, whereby an immune response to said second portion is induced in said subject, said immune response being to an antigen of said pathogen, classified in class 424, subclass 185.1. Applicants respectfully submit that the Examiner has appeared to err in the classification of claims 76-85, in that claims 76 and 78 should only be in Group I and should not be in Group II, and claims 77 and 79-85 should only be in Group II and should not be in Group I.

In addition to election of one of the above inventions, the Examiner has required election from among each of the following species:

Species I: "Any one of the heat shock proteins disclosed specification binding, " which Applicants construe to be heat shock proteins disclosed in the specification;

Species II: a benzoquinone ansamycin selected from geldanamycin, herbimycin A, mimosamycin, macmimycin 1 and kuwaitimycin;

Species III: a neoplasia selected from the group consisting of sarcoma, lymphoma, leukemia, melanoma, carcinoma of the breast, carcinoma of the prostate, ovarian carcinoma, carcinoma of the cervix, uterine carcinoma, colon carcinoma, carcinoma of the lung, glioblastoma, and astrocytoma;

Species IV: a pathogen selected from the group consisting of a bacterium, a virus, a protozoan, a mycoplasma, a fungus, a yeast, a parasite, and a prion;

Species V: a bacterium selected from *Salmonella, Staphylococcus, Streptococcus, Enterococcus, Clostridium, Escherichia, Klebsiella, Vibrio, Mycobacterium,* and *Mycoplasma pneumonia;*

Species VI: a virus selected from human papilloma virus, herpes virus, retrovirus, hepatitis virus, influenza virus, rhinovirus, respiratory syncytial virus, cytomegalovirus, adenovirus, herpes simplex virus, herpes zoster virus,

human immunodeficiency virus 1, and human immunodeficiency virus 2; and

Species VII: a protozoan selected from an amoeba, a malarial parasite, or *Trypanosoma cruzi.*

In order to be fully responsive, Applicants hereby provisionally elect with traverse from Species I, hsp 70; from Species II, geldanamycin; from Species III, melanoma; from Species IV, a virus; from Species V, mycobacterium; from Species VI, human papilloma virus, and from Species VII, a malarial parasite. However, Applicants submit that the election of Group II renders the elections from Species II and Species III moot.

Applicants believe that the claims within elected Group II that are readable upon the elected species are as follows:

Species I: 18, 31, 33, 35, 41, 43, 45, 48, 50-75, 77, and 79-89;
Species II: none
Species III: none
Species IV: 18, 31, 33, 35, 41, 43, 45, 48, 50-75, 77, 79, 82, 83, 86, 87, 88, and 89;
Species V: 18, 31, 33, 35, 41, 43, 45, 48, 50-75, 77, 79, 80, 81, 86, 87, 88, and 89;
Species VI: 18, 31, 33, 35, 41, 43, 45, 48, 50-75, 77, 79, 82, 83, 86, 87, 88, and 89;
Species VII: 18, 31, 33, 35, 41, 43, 45, 48, 50-75, 77, 79, 84, 85, 86, 87, 88, and 89.

Upon the allowance of a generic claim, Applicants request that any withdrawn species claims that depend from or otherwise include all the limitations of the allowable generic claim be rejoined in accordance with 37 C.F.R. § 1.141. Presently, Applicants believe that, within elected Group II, claims 18, 31 and 88 are generic.

Applicants fully reserve the right to prosecute the subject matter of the non-elected inventions in one or more related applications. In addition, Applicants retain the right to petition from the restriction requirement under 37 C.F.R. § 1.144.

Applicants respectfully request that the above remarks and amendments be entered and made of record in the file history of the instant application.

Respectfully submitted,

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Adriane M. Antler (Reg. No.)
**JONES DAY**
222 East 41st Street
New York, NY 10017
(212) 326-3939